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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

P.O. Box 47600 • Olympia, Washington 98504-7600
(360) 407-6000 • TDD Only (Hearing Impaired) (360) 407-6006

August 21, 2003

RECEIVED

AUG 26 2003

OFFICE OF WASTE
& CHEM. MGMT.

FILE COPY

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Carolyn Mayer
Burlington Environmental, Inc
955 Powell Avenue SW
Renton, WA 98055

Kathy Bahnick
Port of Seattle
PO Box 1209
Seattle, WA 98111

RE: EPA/State ID# WAD000812917 Part B Permit Application for Pier 91-
Notice of Deficiency

Dear Ms. Mayer and Ms. Bahnick:

Enclosed is the first Notice of Deficiency (NOD) for the Pier 91 RCRA Part B permit application submitted to the Department of Ecology (Ecology) August 28, 2002 by the Port of Seattle and Burlington Environmental, Inc. (a wholly-owned subsidiary of Philip Services Corporation, referred to as PSC). This NOD results from Ecology's review of the permit application.

If PSC and the Port of Seattle choose to submit a complete response and not partake in the process of providing interim permit application submittals under an established schedule, you must take the following actions:

You must respond to the NOD within 30 days of receipt of this letter either by submitting revisions to the application as an insert to the application, or by requesting and receiving approval for an extension. An extension request must include a detailed justification and the proposed date for your complete response. Ecology would review any request for an extension and may establish a revised submittal date.

USEPA RCRA



3012885

One copy of the revised permit application inserts required by this notice should be sent to each office:

Department of Ecology
Hazardous Waste and Toxics Reduction Program
Attn: Stacie Singleton
PO Box 47600
Olympia, WA 98504-7600

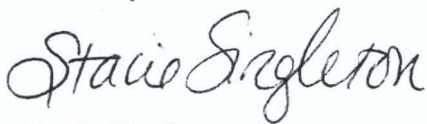
Department of Ecology, NWRO
Hazardous Waste & Toxics Reduction Program
Attn: Galen Tritt
3190 160th Ave SE
Bellevue, WA 98008

Please send a single copy of the revised permit application to:

US EPA Region 10
Attn: Jan Palumbo
1200 Sixth Avenue
Seattle, WA 98101

Please contact me at (360) 407-6708 with any questions or concerns you may have regarding this action.

Sincerely,



Stacie Singleton
Hazardous Waste and Toxics Reduction Program

Enclosure: Notice of Deficiency

cc: Julie Sellick, HWTR NWRO
Galen Tritt, HWTR NWRO
Ty Thomas, HWTR HQ
Martin Werner, HWTR HQ
Kathy Bahnick, Port of Seattle
Sue Roth, Roth Consulting
Jan Palumbo, US EPA Region 10
Jack Boller, US EPA Region 10

Department of Ecology
Terminal 91 Tank Farm Lease Facility

Notice of Deficiency
WAD 000812917

August 22, 2003

Submittal: Terminal 91 Tank Farm Lease Parcel Dangerous Waste Permit Renewal Application
Received: August 28, 2002
Attachments: none
Prepared by: Stacie Singleton

Part A Permit Application

1. Form 1, Section VI : Please provide appropriate NAIC code(s) for this facility. Ecology has ceased using SIC codes and use NAIC codes. I checked with our Toxics Reduction staff that routinely works with Part A forms and they requested the code used for the historical business that generated the waste being remediated. If a code is not submitted on the Part A, they will find the closest matching code and insert that into the form.
2. Form 1, Section IX : The map provided is difficult to read (e.g., the facility's outline is difficult to identify).
3. Form 3, Section IX: Please ensure that the owner certification signature for the Port of Seattle has the authority (per WAC 173-303-810(12)(a)(i)) to sign for Mic Dinsmore, or, provide an updated form.

Part B Permit Application

Section B

These requests may differ from discussions with Janet Rhodes last year (2002) concerning the Washougal facility permit. The requested information reflects on discussions within Ecology as well as the requirements in the WAC.

The topographic map is difficult to read. Please provide a larger topographic map –a color version would be useful – and clearly identify the facility. Please:

- a. Identify the 100-year flood plain, surface water flow, and wind rose, and
- b. Provide traffic-related information regarding the site and corrective action. Examples include on-site traffic patterns, traffic control, and adequacy of on-site and access roads. Access and access control are not apparent in the facility site drawing.

Section D

If generated, dangerous wastes from corrective actions at this facility may be stored onsite for less than 90 days. Please briefly describe in a few sentences the management of any dangerous wastes that may be generated during corrective actions.

Section E

1. Please provide a brief narrative snapshot of current activities. Also include an overview of anticipated future activities. While this information will not be part of the actual permit, it will provide a record of the information used in preparing and approving the permit. This information should only take up a page or so.

Please provide a brief overview that answers the following questions:

- Is corrective action currently being undertaken? If so, what actions have been taken and what actions are anticipated?
- Is the remedial investigation study complete? If not, when is its completion anticipated?

These answers should be brief, such as: "Removed contaminated soils as interim measure." If you wish to include more detailed information, please reference the remedial investigation report.

2. If not identified in the RFA, please clearly identify locations where solid wastes have been managed and provide information on known and suspected releases or dangerous wastes and/or dangerous constituents.
3. Provide a clear, brief summary of work completed under RCRA Section 3008(h), 7003, or 3013 order; the EPA Superfund program; Model Toxics Control Act (MTCA) order; or a MTCA voluntary cleanup action. Please briefly summarize the information from detailed reports and facility records in the application. Presenting the summary information in tables is encouraged.
4. A table listing past reports submitted, when submitted, and to whom submitted would be very helpful and easier to follow as well as listing planned future reports and anticipated completion or submittal dates.
5. Page E3 – please reformat this page to make the content easier to follow and understand.
6. Page E-7 – Provide a concise summary (a few sentences) of the work done in the Bridge Document Report 1. For example, describe which exposure pathways were looked at and the ground water screen levels developed.
7. Page E-8 – When will the proposed work in the Bridge Document end? When is the report for this work proposed to be submitted?
8. Page E-8 – The application does not clearly list the site contaminants or the location of these contaminants. Please provide an overview or list of the contaminants.

For Future Reference: According to 40 CFR 264.101(b), financial assurance is required for corrective action, but at the time the cost is known. The issue of financial assurance for corrective action will be addressed when corrective action plan (CAP) is negotiated.